

1500 - TRAVEL POLICIES AND PROCEDURES

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Appendix 10A - Sponsored Travel of Non-FTE Persons Question and Answer Guidance

Because the statutory authorities that pertain to employees do not extend to non-FTE persons, i.e., Visiting Fellows, IRTA's, Special Volunteers, etc., the NIH can **NOT** accept travel and related expenses from a nonfederal source via the **HHS-348** process on behalf of these individuals. Consequently, this office is developing policy inclusive of a supplemental process (**Acceptance Letter Process**) that will govern such acceptance by non-FTE persons. Keep in mind, this acceptance is consistent with the individual's official duties as they relate to the training, fellowship, or voluntary assignment. The following question and answer guidance is provided in order to assist you in achieving this objective:

Q1) Where can I reference the NIH policy that permits a non-FTE person to accept travel and related expenses from a nonfederal source?

A1) The policy is contained in NIH Manual 1500, Chapter 10 "Temporary Duty (TDY) Travel and Relocation of Non-FTE Persons".

<http://www1.od.nih.gov/oma/manualchapters/>.

The policy stems from the non-FTE agreement to abide by the policies governing employee conduct at the NIH that includes the Standards of Ethical Conduct Agreement, outlined in the Government-wide ethics regulations contained in 5 CFR Part 2635. See

<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>

Q2) What are the specific rules governing acceptance of travel and related expenses?

A2) Pursuant to NIH policy, a non-FTE person may accept such expenses **only** under the following conditions:

a) Consistent with 5 CFR 2635.807, a non-FTE person may accept travel expenses (inclusive of transportation, lodging, and meals) in line with teaching, speaking, and writing activities related to his/her official duties.

b) Consistent with 5 CFR 2635.204(g)(1), a non-FTE person when participating as a speaker or panel participant or otherwise to present information on behalf of the NIH may be authorized to accept an offer of free attendance at the event on the day of his/her presentation, by the sponsor.

c) Consistent with 5 CFR 2635.204(g)(2), a non-FTE person, when it is determined that his/her attendance will further agency programs and operations, may be authorized to accept an unsolicited gift of free attendance, at all or appropriate parts of a widely attended gathering of mutual interest to a number of parties, from the sponsor of the

event, or under certain conditions, from a person other than the sponsor of the event.

d) Consistent with 5 CFR 2635.204(d), 1) a non-FTE person may accept a gift, **other than cash or an investment interest**, with an aggregate market value of **\$200 or less** when it is determined that the gift is a bona fide award or is incident to a bona fide award given for meritorious public service or achievement, or it is in line with acceptance of an honorary degree. 2) A non-FTE person may accept a gift with an aggregate market value **in excess of \$200**, and/or **any amount of cash or investment interest**, in line with his/her meritorious public service or achievement, or degree. In this scenario however, written justification must be obtained from your IC Ethics Official and can be done so by completing the following forms:

- a) Approval of an Award from an Outside Organization; and
- b) Approval of an Honorary Degree from an Outside Organization.

These forms can be accessed at the following web site: <http://ethics.od.nih.gov/forms.htm>

A gift may be for travel expenses inclusive of transportation, lodging, and meals and may also include training. Under this rule, any form of cash or investment interest from the sponsor must be given directly to the individual and not to the IC.

NOTE: Under (b) and (c) above, **free attendance** may include the waiving of a part or all of a registration fee or the provision of meals, light refreshments, or training that is furnished to all attendees as an integral part of the event. **Free attendance does not include travel or lodging expenses. In addition, it does not include meals taken other than in a group setting with all of the other attendees.**

Q3) When a non-FTE person is offered **travel** expenses by a nonfederal source in line with simply attending an event, that is with no formal role, i.e., scientific interchange, staffing an exhibit, etc. can he/she be authorized such acceptance?

A3) No. A non-FTE person may accept a gift of travel expenses only if he/she is actively participating in the event, e.g., making a speech, delivering a paper, etc. or has received a gift of training.

Q4) What steps should the IC take once the non-FTE person receives a formal Invitation Letter or faxed or electronic invite from the sponsor?

A4) The IC must confirm all services to be covered by the sponsor and complete the **Acceptance Letter for "Sponsored Travel of Non-FTE Persons"** (See NIH Manual 1500, Appendix 10).

NOTE: The IC does not have to complete an Acceptance Letter if the travel services are accepted in line with A(2)(d)(2) above.

Q5) Can a non-FTE person travel without a completed and properly signed Acceptance Letter?

A5) No. The IC must have a completed and properly signed Acceptance Letter before the individual can engage in travel.

Q6) How is the sponsoring organization to pay for the travel and related expenses?

A6) All of the travel and related expenses that the sponsor agrees to pay **must** be paid for in advance of the trip on an “In Kind” basis, or should be covered by the sponsor during the course of the events.

Exception: When the travel services accepted are in line with A(2)(d)(2) above.

Q7) What type of review of the completed Acceptance Letter must the IC conduct?

A7) The IC must review the following items:

a) Airfare - Airfare must be provided by the sponsor “In Kind”. If airfare is not covered by the sponsor, the expenses must be paid for from the IC’s appropriated funds. No form of reimbursement is to be accepted from the sponsor upon completion of the trip. Airfare should be provided for in the form of coach class accommodations.

b) Lodging - Lodging must be provided by the sponsor “In Kind”. If lodging is not covered by the sponsor, the expenses must be paid for from the IC’s appropriated funds. No form of reimbursement is to be accepted from the sponsor upon completion of the trip. Lodging should be provided at the Government rate.

c) Meals - If the sponsor agrees to pay for the meals “In Kind” as part of a, e.g., lodging or catering agreement, the IC must make every effort to communicate to the sponsor the NIH policy governing meal rates for employees. If the meals are not going to be covered by the sponsor, the non-FTE person should take out an advance based on the applicable meals rate for the geographic location where the event is taking place. These expenses will be paid for out of the IC’s appropriated funds. No form of reimbursement is to be accepted from the sponsor upon completion of the trip.

Q8) Once the IC has completed its review of the Acceptance Letter and has obtained all of the appropriate signatures, what procedures should be followed?

A8) a) The IC should prepare a Travel Order in the ADB that reflects only a direct CAN reflective of the estimated travel and related costs that the sponsor **does not agree to pay**. **All such expenses will be paid for by IC appropriated funds.** (NOTE: A Travel Order should be prepared even if there is no expense to the NIH)

b) Once the Travel Order is prepared in the ADB, you must obtain the proper ethics review to ensure that the travel acceptance is in line with the appropriate conflict of interest analyses. A Certification Checklist for Non-FTE Persons must be completed inclusive of all appropriate signatures. (See NIH Manual Chapter 1500, Appendix 10B “Certification Checklist for Sponsored Travel of Non-FTE Persons”). **NOTE:** If all of

your answers to the questions on the Certification Checklist are “**no**”, you do not need to seek ethical clearance.

c) The appropriate delegated official (NIH MC 1130, Travel No. 7A) must authorize the travel on the Acceptance Letter (Appendix 10). See

<http://www1.od.nih.gov/oma/manualchapters/>

Q9) Upon completion of the trip, must the non-FTE person file a Travel Voucher even if there is no expense to the NIH?

A9) Yes. This is to clear the Travel Order from the ADB system. If there are appropriated funds to be applied to the travel, all applicable receipts must be attached to the Travel Voucher.

Q10) Upon completion of the trip, if the sponsor reimburses the individual or NIH, i.e., check, cash, etc. for travel and related expenses, can such reimbursement be accepted?

A10) No. Neither NIH nor the individual is to accept any form of reimbursement for travel and related expenses from the sponsor. Any uncovered expenses will be paid for from the IC's appropriated funds.

Q11) Can the Non-FTE person directly accept a gift of travel expenses from the nonfederal source on behalf of his/her spouse?

A11) Yes. In line with **A2(d)** above, the individual receiving an award or degree for meritorious public service or achievement may accept a gift of travel expenses on behalf of his/her spouse. The spouse of a non-FTE person can **NOT** be authorized to accept travel and related expenses from a nonfederal source via the HHS-348 mechanism.

Q12) Can a non-FTE person accept cash directly from the sponsor for any of the travel and related services?

A12) No. The non-FTE person should obtain a cash advance via the ADB for any expenses that the sponsor does not agree to cover.

Q13) Can a non-FTE person accept travel and related expenses from the sponsor and process the Travel Order via the ADB as No Expense to The Government (NETG), and bypass ethics review and clearance?

A13) No. A non-FTE person must **NOT** accept such expenses in this manner. Any trip funded in whole or in part by a nonfederal source **must** receive proper ethics review and clearance (See **A8(b)** above). Any gift or award of travel expenses from a nonfederal source must be effected via the Acceptance Letter Process (See NIH Manual 1500, Appendix 10).

Q14) Does this process eliminate the requirements contained in the Technical Advisory 19 for foreign non-FTE persons engaging in lectures or short term consultations?

A14) No. All FIC, International Services Branch, "Office of Administrative Management and International Services," Technical Advisory 19 requirements must be met. (See <http://www.fic.nih.gov/services.html>)